



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,815	10/27/1999	DAVID P. ROSSUM	17002-01400U	3803
8791	7590	11/24/2003	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			GRAHAM, ANDREW R	
		ART UNIT		PAPER NUMBER
		2644		13
DATE MAILED: 11/24/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/427,815

Applicant(s)

ROSSUM, DAVID P.

Examiner

Andrew Graham

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires _____ months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-33.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The examiner respectfully disagrees with the presented arguments, for the reasons set forth below.

The applicant submits that the "dynamically varying" limitation is not met or suggested by Taylor. The examiner respectfully disagrees, noting that the phrase "dynamically varying said input sample rate" does not sufficiently or distinctly convey the interpretation that the applicant intends to be associated with such phrasing, based on the material presented in the arguments. The reference of Taylor, to paraphrase, "continuously alters" the sample rate associated with an input signal, which is currently interpreted to read on the "dynamically varying" limitation cited by the applicant. This understanding of the claim language is based on the broadest interpretation that the incorporated terminology reasonably allows. Amending the relevant claim language may or may not provide the intended distinction between the teachings of Taylor and the applicant's intended interpretation of such a limitation.

The applicant submits that Taylor does not include an "interpolator having associated therewith a second transition band". The examiner respectfully disagrees, citing the nature of the teachings of Taylor, as well as those of the applicant's admitted prior art. The passage that the applicant cites lists the functions of Taylor, not separate components. The box (212) of Figure 3 of Taylor clearly illustrates that these functions are "associated with each other". These functions are also performed in a software environment through the use of a digital signal processor, not with separate components. Furthermore, the applicant's admitted prior art, which is relied upon in the rejection illustrates "filter requirement for a prior art classical algorithm single stage interpolator". The modification statement provided in the previous office action clearly includes "interpolation filters" in the proposed final combination of the two teachings.

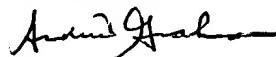
The applicant submits that the examiner improperly associates the phrase "transition band" with a digital signal. The examiner respectfully disagrees, citing the terminology and the teachings of the applicant's admitted prior art. The applicant's admitted prior art repeatedly correlates the width of the guardband of the signal to that of a transition band. Such a relationship is reflected in the examiner's reference to the 'transition band' of the signal in the alternative, as "guardband or transition band" on page 4 of the previous office action. In regards to Taylor, Figure 3 illustrates that a predefined filter is selected for the signal in step 208, the parameters of this selected filter clearly involve a "transition band". Reference to a filter in the context of using this filter with a digital signal is clearly made in the rejection of this limitation on page 4 in the statement "the filter is arranged to know a predetermined range for the passband of the image". Furthermore, to say that a digital signal cannot have an associated "transition band" directly contradicts the applicant's use of the terminology in Claim 1, which states, "operating on said plurality of data points to associate said input signal with a predetermined set of parameters, with said set of parameters including a first transition band". On page 16, the applicant submits, "the Office Action is clearly wrong in alleging that a signal has parts including a passband, a guardband, and a stopband". This statement explicitly contradicts the applicant's own definition of the terminology found on page 1 of the specification. The use of the phrase "transition band" in the previous office action is reasonably within the usage established in regards to the applicant's teachings and the applicant's own use of such terminology.

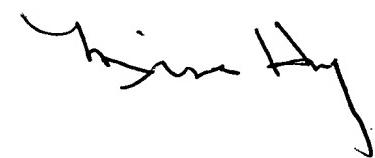
The applicant submits that "Taylor does not describe halfband filtering followed by interpolation" in regards to Claims 12 and 23. The examiner respectfully notes that Orban, which was used in the rejection of Claim 7, discloses multiple stages of interpolation and filtering, which reads on said limitation.

The applicant submits that Taylor does not suggest "interpolating at least a subset". The examiner respectfully disagrees, noting that as long as Taylor interpolates at least a single intermediate data point, which the teachings do disclose, such a limitation has been met.

Finally, the examiner respectfully notes that the claim language involved in reciting claim limitations is relatively broad in scope in several instances. While providing an intended broad range of protection for the subject matter of the application, the current usage of claim language does not present the subject matter in a manner that patentably distinguishes it from the disclosed prior art. Amending the claim language to more explicitly recite the subject matter which the applicant feels is his or her invention may or may not, depending naturally on the changes made, provide the required distinction for the applicant's invention in view of the rejections made herein based on prior art.

Andrew Graham
703-308-6729




MINSUN OH HARVEY
PRIMARY EXAMINER